

# Exhibit C

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Attorneys for Defendant,  
BMW of North America, LLC

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

JOON BANG, RAZVAN VICTOR	:	Civil Action No. 2:15-cv-6945
BENGULESCU, GERALD BEZEMS, SCOTT	:	(MCA)(SCM)
CROCKETT, RIFAT GORENER,	:	
CHRISTOPHER LESIEUR, LAWRENCE	:	
MARCUS, and MIKHAIL SULEYMANOV,	:	
individually and on behalf of all others	:	<b>BMW OF NORTH AMERICA, LLC'S</b>
similarly situated,	:	<b>ANSWERS TO PLAINTIFF'S FIRST</b>
Plaintiff,	:	<b>REQUEST FOR PRODUCTION OF</b>
v.	:	<b>DOCUMENTS</b>
BMW OF NORTH AMERICA, LLC,	:	
BAVARIAN MOTOR WORKS, and DOES 1	:	
through 10, inclusive,	:	
Defendants.	:	

TO: Matthew D. Schelkopf  
Joseph G. Sauder  
McCune Wright Arevalo, LLP  
555 Lancaster Avenue  
Berwyn, Pennsylvania 19312  
Attorneys for Plaintiffs

**COUNSEL:**

Defendant, BMW of North America, LLC (hereafter, "BMW NA"), hereby responds to Plaintiff's First Set of Requests for Production of Documents.

BMW NA has not completed either its discovery in this action or its preparation for trial. Therefore, the information set forth below reflects BMW NA's best present knowledge

based upon review and investigation to date. Furthermore, BMW NA anticipates that future discovery, independent investigation, legal research, and analysis will support additional facts and add meaning to well-known facts as well as establish new factual conclusions and legal contentions, all of which may lead to substantial additions, changes, and variations from the contentions and responses set forth herein.

BMW NA further reserves the right to amend or supplement these answers or objections as may be necessary or appropriate in the future or as the discovery of additional or further information may warrant.



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Attorneys for Defendant,  
BMW of North America, LLC

Dated: April 26, 2017

## OBJECTIONS

1. BMW NA objects to the use of "BMW NA" and "you" and "your," insofar as they attempt to encompass entities other than BMW NA.

2. BMW NA objects to these requests to the extent that they require or request BMW NA to create documents solely for the purpose of responding to the request.

3. BMW NA objects to these requests to the extent they seek production of information and materials in a form, manner, or scope beyond that required by the Federal Rules of Civil Procedure or as otherwise agreed by the Parties.

4. BMW NA objects to each request to the extent that it calls for information that is not proportional to the needs of this case, would impose upon it a vexatious and undue burden, making the request oppressive and/or intended to harass BMW NA.

5. BMW NA objects to each request to the extent it is vague, ambiguous, or otherwise lacks sufficient precision to permit a response.

6. BMW NA objects to each request to the extent it seeks material or information prepared by or developed at the direction of counsel and protected and privileged as work-product.

7. BMW NA objects to each request to the extent it seeks information irrelevant to issues in this case and not reasonably calculated to lead to the discovery of admissible evidence.

8. BMW NA objects to each request to the extent it seeks information subject to the attorney-client privilege, work-product doctrine or other privilege.

9. BMW NA objects to each request to the extent it requests information which is in the possession of entities and/or persons over whom BMW NA has no control.

10. BMW NA objects to each request to the extent it seeks disclosure of information already known or available to plaintiff or documentation in plaintiff's possession which may be obtained more readily by plaintiff and without subjecting BMW NA to unreasonable burden and expense.

11. BMW NA objects to each request to the extent it seeks information that is confidential, trade-secret, subject to employees' and/or owners'/lessees' privacy rights, or otherwise proprietary in nature, the disclosure of which would or could be harmful and/or in violation of applicable law.

Insofar as any request seeks information falling within the scope of the foregoing General Objections, it is noted below.

## **RESPONSES**

### **REQUEST FOR PRODUCTION NO. 1:**

All TSBs relating to the CLASS VEHICLES.

#### **Response:**

BMW NA objects that this Request is harassing. Further, the Request is overbroad and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs do not have a good-faith basis for seeking this expansion of their case and discovery.

BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the Second Amended Complaint ("SAC") addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, see documents previously produced by BMW NA, bates-labeled BMWNA BANG 001553 through 001569.

### **REQUEST FOR PRODUCTION NO. 2:**

All DOCUMENTS and COMMUNICATIONS that refer or relate to the TSBs issued for the CLASS VEHICLES, including but not limited to those DOCUMENTS and COMMUNICATIONS that refer to, discuss or analyze the creation, need, justification, or

scope of such TSBs.

**Response:**

BMW NA objects that this Request is harassing. Further, the Request is overbroad and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs do not have a good-faith basis for seeking this expansion of their case and discovery.

BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, to be supplied.

**REQUEST FOR PRODUCTION NO. 3:**

All DOCUMENTS and COMMUNICATIONS that refer to, discuss or analyze the causes or extent of engine oil consumption in the CLASS VEHICLES.

**Response:**

BMW NA rejects this Request as it is overbroad and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or

entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, see Response to Request for Production, No. 1. Additionally, see documents previously produced and bates-labeled BMWNA BANG 001096 through 001158. Otherwise, to be supplied.

**REQUEST FOR PRODUCTION NO. 4:**

All DOCUMENTS and COMMUNICATIONS that refer to, discuss or analyze, the causes or need for battery replacement in the CLASS VEHICLES.

**Response:**

BMW NA rejects this Request as it is overbroad and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too

premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, see Response to Request for Production, No. 1. Otherwise, to be supplied.

**REQUEST FOR PRODUCTION NO. 5:**

All DOCUMENTS and COMMUNICATIONS relied upon, in whole or in part, in the creation of the TSBs.

**Response:**

BMW NA objects that this Request is harassing. Further, the Request is overbroad and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs do not have a good-faith basis for seeking this expansion of their case and discovery.

BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of

proportion with the needs of the case.

Subject to and without waiving the foregoing objections, see BMW NA's Response to Request for Production No. 2.

**REQUEST FOR PRODUCTION NO. 6:**

All DOCUMENTS and COMMUNICATIONS with authorized dealers referring or relating to, in whole or in part, engine oil consumption by, engine oil maintenance services for, premature battery failure in, or battery replacement for, the CLASS VEHICLES.

**Response:**

BMW NA rejects this Request as it is overbroad and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, see documents previously produced by BMW NA, bates-labeled BMWNA BANG 001553 through 001569 and BMWNA BANG 010075 through 010886. Otherwise, to be supplied.

**REQUEST FOR PRODUCTION NO. 7:**

All COMMUNICATIONS with CUSTOMERS referring or relating to, in whole or in part, engine oil consumption by, engine oil maintenance services for, premature battery failure in, or battery replacement for, the CLASS VEHICLES.

**Response:**

BMW NA rejects this Request as it is overbroad and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, see documents previously produced by BMW NA, bates-labeled BMWNA BANG 001553 through 001569 and BMWNA BANG 010075 through 010886. Otherwise, to be supplied.

**REQUEST FOR PRODUCTION NO. 8:**

All COMMUNICATIONS by and between any employees or representatives of YOU referring or relating, in whole or in part, to engine oil consumption by, engine oil maintenance services for, premature battery failure in, or battery replacement for, any one or more of the CLASS VEHICLES. This request includes, but is not limited to, communications between EMPLOYEES or representatives of BMW of North America, LLC ("BMW NA"), and Bayerische Motoren Werke Aktiengesellschaft ("BMW AG").

**Response:**

BMW NA rejects this Request as it is overbroad and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waiving the foregoing objections, see BMW NA's Response to Requests for Production No. 2, 4 and 7.

**REQUEST FOR PRODUCTION NO. 9:**

All DOCUMENTS and COMMUNICATIONS which refer to, discuss or analyze, in whole or in part, any potential or actual changes, revisions, or modifications made to the N63 engines and/or components related to the CLASS VEHICLES to address any issues of engine oil consumption, engine oil leakage, engine oil maintenance needs, premature battery failure, or battery replacement for the CLASS VEHICLES.

**Response:**

BMW NA rejects this Request as it is overbroad and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, see documents previously produced by BMW NA, bates-labeled BMWNA BANG 001553 through 001569.

**REQUEST FOR PRODUCTION NO. 10:**

All DOCUMENTS and COMMUNICATIONS which refer to, discuss or analyze, in whole or in part, any customer satisfaction, goodwill, discounts, or warranty considerations considered or offered to owners or lessors of any of the CLASS VEHICLES, relating to any issues of engine oil consumption, engine oil leakage, engine oil maintenance needs, premature battery failure, or battery replacement.

**Response:**

BMW NA rejects this Request as it is overbroad and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, see documents previously produced by BMW NA, bates-labeled BMWNA BANG 001553 through 001569 and BMWNA BANG 010075 through 010886. Otherwise, to be supplied.

**REQUEST FOR PRODUCTION NO. 11:**

All DOCUMENTS and COMMUNICATIONS that evidence, memorialize, summarize, or discuss any strategies concerning addressing issues of engine oil consumption, engine oil maintenance services, premature battery failure, or battery replacement in the CLASS VEHICLES, including, but not limited to, media and consumer relations plans, market research, consumer focus group reports, consumer profile research, consumer demographics, polls, surveys, or consumer purchasing motivation.

**Response:**

BMW NA rejects this Request as it is vague, overbroad, burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to

seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, to be supplied, if any.

**REQUEST FOR PRODUCTION NO. 12:**

All DOCUMENTS which constitute, refer to, discuss, or analyze, in whole or in part, service repairs, warranty claims, or warranty data, including warranty repairs and replacements, for any of the CLASS VEHICLES.

**Response:**

BMW NA objects that this Request is harassing. Further, the Request is overbroad and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs do not have a good-faith basis for seeking this expansion of their case and discovery.

BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, to be supplied.

**REQUEST FOR PRODUCTION NO. 13:**

All DOCUMENTS and COMMUNICATIONS provided to or received from any government agency, including the National Highway Traffic Safety Administration, the Environmental Protection Agency, or the California Air Resources Board, that refer to, discuss, or analyze, in whole or in part, engine oil consumption, engine oil leakage, engine oil maintenance services, premature battery failure, or battery replacement in any of the CLASS VEHICLES.

**Response:**

BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

Subject to and notwithstanding the foregoing objections, none.

**REQUEST FOR PRODUCTION NO. 14:**

All DOCUMENTS reflecting any actual or potential lawsuits, arbitrations, buy-back transactions or lemon law proceedings relating in any way to the issues of engine oil consumption, engine oil leakage, engine oil maintenance services, premature battery failure,

or battery replacement in the CLASS VEHICLES, including, but not limited to, complaints filed in small claims, state, and federal courts.

**Response:**

BMW NA objects that this Request is harassing. Further, the Request is overbroad and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs do not have a good-faith basis for seeking this expansion of their case and discovery.

BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

Subject to and notwithstanding the foregoing objections, to be supplied.

**REQUEST FOR PRODUCTION NO. 15:**

All DOCUMENTS sufficient to identify the number of CLASS VEHICLES sold or leased in the United States, including on a state-by-state basis.

**Response:**

BMW NA objects to this Request as it is overbroad and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and notwithstanding the foregoing objections, see documents previously produced by BMW NA, bates-labeled BMWNA BANG 010887 through 010888.

**REQUEST FOR PRODUCTION NO. 16:**

All DOCUMENTS that refer to, discuss or analyze, in whole or in part, any projections, estimates, forecasts, or other data regarding the estimated financial cost to YOU of warranty claims related to the CLASS VEHICLES, including any such projections, estimates, forecasts, or other data regarding the financial cost to YOU of warranty claims related to engine oil consumption, engine oil leakage, engine oil maintenance services, premature battery failure, or battery replacement.

**Response:**

BMW NA objects that this Request is harassing. Further, the Request is overbroad and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs do not have a good-faith basis for seeking this expansion of their case and discovery.

BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

**REQUEST FOR PRODUCTION NO. 17:**

All DOCUMENTS that refer to, discuss or analyze, in whole or in part, the ACTION,

including any COMMUNICATIONS regarding the ACTION.

**Response:**

BMW NA rejects this Request as it is overbroad, burdensome, vague, and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, see BMW NA's responses to more specific requests herein.

**REQUEST FOR PRODUCTION NO. 18:**

All DOCUMENTS that refer to, discuss or analyze, in whole or in part, the projected, expected, or anticipated useful life of the N63 engines contained in the CLASS VEHICLES.

**Response:**

BMW NA rejects this Request as it is overbroad, burdensome, vague, and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or

control; BMW NA responds to this Request only on its behalf.

Subject to and notwithstanding the foregoing objections, none.

**REQUEST FOR PRODUCTION NO. 19:**

All DOCUMENTS that refer to, discuss or analyze, in whole or in part, the projected, expected, or anticipated useful life of the batteries (as identified in the Action) contained in the CLASS VEHICLES.

**Response:**

BMW NA rejects this Request as it is overbroad, burdensome, vague, and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

Subject to and without waving the foregoing objections, see documents previously produced by BMW NA, bates-labeled BMWNA BANG 001553 through 001569.

**REQUEST FOR PRODUCTION NO. 20:**

All DOCUMENTS that refer to, discuss or analyze, in whole or in part, the projected, expected, or anticipated engine oil consumption or engine oil maintenance services appropriate for the CLASS VEHICLES.

**Response:**

BMW NA rejects this Request as it is overbroad, burdensome, vague, and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

Subject to and without waving the foregoing objections, see documents previously

produced by BMW NA, bates-labeled BMWNA BANG 001553 through 001569 and BMWNA BANG 010075 through 010886.

**REQUEST FOR PRODUCTION NO. 21:**

All DOCUMENTS concerning PLAINTIFFS and PLAINTIFFS' CLASS VEHICLES, including all COMMUNICATIONS with PLAINTIFFS.

**Response:**

BMW NA rejects this Request as it is overbroad, burdensome, vague, and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

Subject to and notwithstanding the foregoing objections, see documents previously produced, bates-labeled BMWNA BANG 000001 through 1095 and BMWNA BANG 001159 through 001552. Otherwise, to be supplied.

**REQUEST FOR PRODUCTION NO. 22:**

All scripts or comparable DOCUMENTS utilized by YOU or YOUR agents in connection with responding to customer questions, comments, concerns, complaints or inquiries regarding the CLASS VEHICLES.

**Response:**

BMW NA objects that the Request is overbroad and unduly burdensome and that,

even if it sought relevant evidence, the burden that gathering the information would place on BMW NA is out of proportion with the needs of the case.

BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects to this Request to the extent it seeks information that would require BMW NA to disclose trade-secret, proprietary, and/or confidential information, and on the grounds that it seeks information that would violate the privacy rights of consumers under state and federal law.

**REQUEST FOR PRODUCTION NO. 23:**

All engineering specifications and other DOCUMENTS regarding the design of the N63 engine.

**Response:**

BMW NA objects that the Request is overbroad, vague, unduly burdensome and that, even if it sought relevant evidence, the burden that gathering the information would place on BMW NA is out of proportion with the needs of the case.

BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to

seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects to this Request to the extent it seeks information that would require BMW NA to disclose trade-secret, proprietary, and/or confidential information, and on the grounds that it seeks information that would violate the privacy rights of consumers under state and federal law.

Subject to and without waiving the foregoing objections, see documents previously produced and bates-labeled BMWNA BANG 001096 through 001158 and BMWNA BANG 001570 through 010074.

**REQUEST FOR PRODUCTION NO. 24:**

All DOCUMENTS comparing the design and specifications of the N63 engine to any other engines.

**Response:**

BMW NA objects that the Request is overbroad, vague, unduly burdensome and that, even if it sought relevant evidence, the burden that gathering the information would place on BMW NA is out of proportion with the needs of the case.

BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but

if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects to this Request to the extent it seeks information that would require BMW NA to disclose trade-secret, proprietary, and/or confidential information, and on the grounds that it seeks information that would violate the privacy rights of consumers under state and federal law.

Subject to and without waiving the foregoing objections, see documents previously produced and bates-labeled BMWNA BANG 001096 through 001158.

**REQUEST FOR PRODUCTION NO. 25:**

All DOCUMENTS concerning YOUR document destruction and document retention policies, including those related to the saving or backing up of electronic mail and computer files.

**Response:**

BMW NA objects to this request on the grounds that it is argumentative as it assumes that documents have been destroyed pursuant to any document retention policy.

BMW NA objects to the term "Document retention policies" on the grounds that it is vague, ambiguous, vastly overbroad, unduly burdensome, and seek information wholly unrelated to the alleged defect, relevant parts, and claims asserted in this case.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality.

**REQUEST FOR PRODUCTION NO. 26:**

All DOCUMENTS concerning YOUR contributions to, changes to, and preservation of content published on www.bmw.com or www.bmwusa.com.

**Response:**

BMW NA objects that this Request is harassing. Further, the Request is overbroad

and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs do not have a good-faith basis for seeking this expansion of their case and discovery. Moreover, even if it sought relevant evidence, the burden that gathering the information would place on BMW NA is out of proportion with the needs of the case. BMW NA will respond to a narrower request.

**REQUEST FOR PRODUCTION NO. 27:**

All DOCUMENTS identified in YOUR responses to Plaintiffs' First Set of Interrogatories directed to YOU, which were served contemporaneously with these Requests for Production of Documents, and/or which were relied upon in preparing responses to Plaintiffs' First of Interrogatories directed to YOU.

**Response:**

Subject to and notwithstanding BMW NA's Objections, see documents previously produced and bates-labeled BMWNA BANG 000001 through BMWNA BANG 001569. Otherwise, to be supplied.

**REQUEST FOR PRODUCTION NO. 28:**

All DOCUMENTS that may evidence or support any coverage or indemnification, in part or in whole, FOR any judgment entered against YOU in this matter or any costs incurred by YOU in defending this litigation.

**Response:**

BMW NA objects that this Request is harassing because it duplicates the information BMW NA is already obligated to provide under Fed. R. Civ. P. 26(a)(1)(A)(iv).

Subject to and without waiving the foregoing objection, BMW NA is not aware of any applicable insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse payments made to satisfy any judgment against BMW NA.

**REQUEST FOR PRODUCTION NO. 29:**

All DOCUMENTS provided to and/or relied upon by any experts retained by YOU in this matter.

**Response:**

BMW NA objects to this Request on the grounds that it is premature as the Court has not set a time for the parties' testifying expert disclosures. BMW NA reserves the right to supplement this Response.

**REQUEST FOR PRODUCTION NO. 30:**

All DOCUMENTS you intend to use at trial in this matter.

**Response:**

BMW NA objects to this Request on the grounds that it is premature as the Court has not set a time for the parties' trial disclosures. BMW NA further objects to this Request insofar as it seeks production of documents or information at a time or in a manner inconsistent with BMW NA's obligations under the Federal Rules of Civil Procedure and/or the Pretrial Scheduling Order in this matter.

**REQUEST FOR PRODUCTION NO. 31:**

Organizational charts sufficient to identify the personnel and management involved in any investigation, committee, consultation, and/or group effort in identifying and/or remedying any issues relating to engine oil consumption, engine oil leakage, engine oil maintenance services, premature battery failure, or battery replacement in the CLASS VEHICLES.

**Response:**

BMW NA objects to the terms "organizational charts" and "issues" as vague, ambiguous, overbroad, unduly burdensome, and seeking information beyond the scope of the alleged defect and allegedly defective parts at issue and, further, that seeking such documents

is out of proportion to the needs of the case.

BMW NA further objects to this Request on the grounds that it constitutes an impermissible interrogatory in the guise of a document request and/or impermissibly requires BMW NA to create a document because it requests BMW NA identify individuals.

**REQUEST FOR PRODUCTION NO. 32:**

Any and all DOCUMENTS related to complaints inquiries and/ or other COMMUNICATIONS, including YOUR response thereto, about any of the CLASS VEHICLES posing a safety concern as a result of engine oil consumption, engine oil leakage, engine oil maintenance services, premature battery failure, battery replacement, or any issues related to or potentially caused by those issues.

**Response:**

BMW NA rejects this Request as it is overbroad, vague, burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, to be supplied, if any.

**REQUEST FOR PRODUCTION NO. 33:**

All versions of any warranty provided by YOU or YOUR affiliates in connection with the sale or lease of the CLASS VEHICLES.

**Response:**

BMW NA objects to this Request as overbroad, burdensome, and it is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and notwithstanding the foregoing objections, see documents previously produced by BMW NA, bates-labeled BMWNA BANG 010075 through 010886.

**REQUEST FOR PRODUCTION NO. 34:**

All versions of any owner's manual provided to owners and lessees of the CLASS VEHICLES.

**Response:**

BMW NA objects to this Request as overbroad, burdensome, and it is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and notwithstanding the foregoing objections, see documents previously produced by BMW NA, bates-labeled BMWNA BANG 001570 through 010074.

**REQUEST FOR PRODUCTION NO. 35:**

All DOCUMENTS concerning any ROOT CAUSE ANALYSIS, testing, and/or investigation conducted by YOU or on YOUR behalf related to the issues of engine oil consumption, engine oil leakage, or premature battery failure in the CLASS VEHICLES.

**Response:**

BMW NA rejects this Request as it is vague, overbroad, burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or

control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, to be supplied, if any.

**REQUEST FOR PRODUCTION NO. 36:**

All DOCUMENTS concerning any ROOT CAUSES or PROBABLE ROOT CAUSES for the issues of engine oil consumption, engine oil leakage, or premature battery failure in the CLASS VEHICLES.

**Response:**

BMW NA rejects this Request as it is vague, overbroad, burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, to be supplied, if any.

**REQUEST FOR PRODUCTION NO. 37:**

All DOCUMENTS concerning any solutions, CORRECTIVE ACTIONS, PREVENTATIVE ACTIONS, REMEDIAL ACTIONS, changes in maintenance, service schedules, procedures, and/or design changes (whether proposed, considered, or implemented) related to the issues of engine oil consumption, engine oil leakage, or premature battery failure the CLASS VEHICLES, the including the efficacy of any such solutions and changes.

**Response:**

BMW NA objects that this Request is harassing. Further, the Request is overbroad and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs do not have a good-faith basis for seeking this expansion of their case and discovery.

BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that

even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, see BMW NA's Response to Request for Production No. 1.

**REQUEST FOR PRODUCTION NO. 38:**

All DOCUMENTS concerning emissions testing for the CLASS VEHICLES conducted by YOU.

**Response:**

BMW NA rejects this Request as it is overbroad, burdensome, vague, and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

**REQUEST FOR PRODUCTION NO. 39:**

All DOCUMENTS that constitute, refer to, discuss or analyze, in whole or in part, questions, comments, concerns, or complaints from owners, lessees, and drivers of CLASS VEHICLES the issues of engine oil consumption, engine oil leakage, or premature battery

failure.

**Response:**

BMW NA rejects this Request as it is overbroad, burdensome, vague, and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, BMW NA will respond to a more specific request. Otherwise, see BMW NA's responses to more specific requests herein.

**REQUEST FOR PRODUCTION NO. 40:**

All DOCUMENTS relating to any changes to the engine oil maintenance schedule or standard, or changes to the battery replacement schedule or standard, in the CLASS VEHICLES.

**Response:**

BMW NA rejects this Request as it is overbroad, burdensome, vague, and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to

this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, see BMW NA's Responses to Requests for Production Nos. 1 and 10.

**REQUEST FOR PRODUCTION NO. 41:**

All DOCUMENTS relating to the recommended engine oil refill specification for the CLASS VEHICLES, including any changes to such recommendations.

**Response:**

BMW NA rejects this Request as it is overbroad, burdensome, vague, and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too

premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, see BMW NA's Responses to Request for Production No. 40.

**REQUEST FOR PRODUCTION NO. 42:**

All DOCUMENTS referring to or discussing the dangers of engine oil overfilling.

**Response:**

BMW NA rejects to the term "dangers" as it is argumentative, overbroad, burdensome, vague, and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, BMW NA will respond to a more specific request.

**REQUEST FOR PRODUCTION NO. 43:**

All DOCUMENTS relating to the oil consumption specifications for the CLASS VEHICLES, including any changes to such specifications.

**Response:**

BMW NA rejects this Request as it is overbroad, burdensome, vague, and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, see BMW NA's Responses to Request for Production No. 40.

**REQUEST FOR PRODUCTION NO. 44:**

All DOCUMENTS prepared for or provided to YOUR authorized dealerships that reflect or relate to the circumstances in which the dealership should perform free or warranty repairs of CLASS VEHICLES relating to engine oil consumption, engine oil leakage, engine oil maintenance services, premature battery failure, or battery replacement, or any repairs deemed related to any of those issues.

**Response:**

BMW NA rejects this Request as it is overbroad, burdensome, vague, and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, see documents previously produced by BMW NA, bates-labeled BMWNA BANG 001553 through 010886.

**REQUEST FOR PRODUCTION NO. 45:**

DOCUMENTS sufficient to identify all purchasers, owners, or lessors of the CLASS VEHICLES.

**Response:**

BMW NA rejects this Request as it is overbroad, burdensome, vague, and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

**REQUEST FOR PRODUCTION NO. 46:**

All DOCUMENTS and COMMUNICATIONS that YOU contend constitute pre-purchase or pre-lease disclosures to purchasers or lessors of the CLASS VEHICLES, about the conditions, characteristics, and warranties associated with the CLASS VEHICLES.

**Response:**

BMW NA rejects this Request as it is overbroad, burdensome, vague, and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, see documents previously produced by BMW NA, bates-labeled BMWNA BANG 001570 through 010886.

**REQUEST FOR PRODUCTION NO. 47:**

All DOCUMENTS relating to ADVERTISEMENTS, ADVERTISING, and marketing created for the CLASS VEHICLES for use in the United States of America.

**Response:**

BMW NA rejects this Request as it is overbroad, burdensome, vague, and is not

reasonably calculated to lead to the discovery of admissible evidence.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.

Subject to and without waving the foregoing objections, to be supplied.

**REQUEST FOR PRODUCTION NO. 48:**

DOCUMENTS sufficient to determine the gross revenue, net revenue, and profit YOU received from selling and leasing CLASS VEHICLES, broken down by model, model year, state, and month/year.

**Response:**

BMW NA objects to this Request as it is overbroad and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and notwithstanding the foregoing objections, see documents previously produced by BMW NA, bates-labeled BMWNA BANG 010887 through 010888.

**REQUEST FOR PRODUCTION NO. 49:**

DOCUMENTS sufficient to identify all revenues YOU or your authorized dealers have received as a result of CLASS VEHICLE service, repairs, and replacements, relating to engine oil consumption, engine oil leakage, engine oil maintenance services, premature battery failure, or battery replacement for the CLASS VEHICLES.

**Response:**

BMW NA rejects this Request as it is overbroad, burdensome, vague, and is not reasonably calculated to lead to the discovery of admissible evidence. BMW NA objects to this Request to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Request as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection, or right of confidentiality. It is too premature to determine whether this Request calls for responsive but privileged material, but if it turns out that it does, BMW NA agrees to produce a privilege log.

BMW NA objects that the SAC addresses over ten model years of vehicles and that even if the materials requested are relevant, the burden placed on BMW NA is out of proportion with the needs of the case.